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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,885	03/24/2004	David R. Yee	021756-069200US	6635
51206 7590 11/20/2009 TOWNSEND AND TOWNSEND AND CREW LLP/ORACLE TWO EMBARCADERO CENTER 8TH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER LEWIS, ALICIA M				
ART UNIT		PAPER NUMBER		
2164				
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11/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,885

Applicant(s)

YEE ET AL.

Examiner

Alicia M. Lewis

Art Unit

2164

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009 and 27 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to the Request for Continued Examination (RCE) filed August 27, 2009. Claims 1, 9 and 17 are currently amended; claim 8 is canceled. Thus, claims 1-7 and 9-25 are pending in this application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 15 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 6, 15 and 23 each include a limitation of analyzing web page content for compliance with Federal law. This limitation is indefinite because it does not specifically define the Federal law with which said web page content is analyzed to determine compliance. Federal laws constantly change, thus a claim that simply tests for compliance with "Federal law" is vague and indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 9-14, 16-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent Application Publication 2002/0103914 A1, *published 8/1/2002*) ('Dutta') in view of Malcolm (US 2008/0172717 A1, *priority date 9/17/2003*).

With respect to claims 1, 9 and 17, Dutta teaches:

a processor (paragraphs 22, 27 and 29) configured to execute one or more software components, wherein the software components include a developer tool for manipulating content of the web page, a servlet, an analyzer, and a filter (paragraphs 20, 126-127 and 143-145);

the servlet accessing said web page comprising said content in response to a request from the development tool (Figure 4, paragraphs 33-35, 37 and 133-134; step 610 in Fig. 6);

the filter intercepting the request from the development tool and processing the web page (paragraphs 19, 33-34 and 137);

the filter transferring the content of the web page to an analyzer (paragraph 135);

the analyzer analyzing the content of the web page, wherein analyzing the content comprises measuring conformity of the content of the web page with an established standard (paragraphs 38, 126-128 and 135);

the analyzer returning a result of said analyzing to the servlet (paragraphs 127 and 135);

Art Unit: 2164

the servlet appending the result of said analyzing to the content of said web page (paragraph 137); and

the browser displaying said web page and said result (paragraphs 135 and 137).

Dutta does not teach wherein said content is secure content, processing the web page prior to encryption of said secure content and analyzing the content of the web page prior to encryption of said secure content.

Malcolm teaches an information management system (see abstract), in which he teaches:

accessing a web page comprising secure content (paragraphs 20, 83, 89 and 91);

processing the web page prior to encryption of said secure content by a servlet (paragraphs 60, 91 and 102); and

analyzing the content of the web page prior to encryption of said secure content (paragraphs 60, 91 and 102).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Dutta by the teaching of Malcolm because a web page comprising secure content, processing the web page prior to encryption of said secure content and analyzing the content of the web page prior to encryption of said secure content would enable filtering of undesirable websites (Malcolm, paragraph

26), and the use of browser plug-in modules to examine transmission content before content has been encrypted (paragraph 60), thus providing secure transmission of data by enterprise staff (Malcolm, paragraph 29).

With respect to claims 2, 10 and 18, Dutta as modified teaches wherein said accessing said web page comprising content is performed by an application server operating on a first computing system (Dutta, paragraphs 19 and 35-36).

With respect to claim 3, Dutta as modified teaches wherein said filter is a function of the application server (Dutta, paragraphs 19 and 35), wherein said filter is selectively activated by a webpage development tool accessible to said first computing system (Dutta, paragraphs 133-135).

With respect to claims 4, 12 and 20, Dutta as modified teaches wherein said server and said filter operate in said first computing system (Dutta, paragraph 134).

With respect to claims 5, 14 and 22, Dutta as modified teaches wherein said analyzer operates on a second computing system that is communicatively coupled with said first computing system (Dutta, Figures 1A and 1B, paragraphs 19, 34 and 37).

With respect to claims 7, 16 and 24, Dutta as modified teaches wherein said filter transfers content of the web page to the analyzer in a hypertext mark-up language (HTML) format (Dutta, paragraph 33).

With respect to claims 11 and 19, Dutta as modified teaches wherein said filter is a function of the application server (Dutta, paragraphs 19 and 35).

With respect to claims 13 and 21, Dutta as modified teaches wherein said request for said web page is generated by a browser operating on said first computing system (Dutta, paragraph 35).

6. Claims 6, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent Application Publication 2002/0103914 A1) ('Dutta') in view of Malcolm (US 2008/0172717 A1, *priority date 9/17/2003*), as applied to claims 1-5, 7, 9-14, 16-22 and 24 above, and further in view of Markel et al. (US Patent Application Publication 2002/0156799 A1) ('Markel').

With respect to claims 6, 15 and 23, Dutta in view of Malcolm teaches claims 1, 9 and 17.

Dutta in view of Malcolm does not teach wherein said analyzer analyzes said content of said web page for compliance with federal law.

Markel teaches a system and method for verifying and correcting websites (see abstract), in which he teaches wherein said analyzer analyzes said content of said web page for compliance with federal law (paragraph 74).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Dutta by the teaching of Markel because wherein said analyzer analyzes said content of said web page for compliance with federal law would enable website providers to diagnose, evaluate, report, and retrofit code violations existing in websites to meet both in-house and industry design standards (Markel, paragraph 52).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent Application Publication 2002/0103914 A1) ('Dutta') in view of Malcolm (US 2008/0172717 A1, *priority date* 9/17/2003), as applied to claims 1-5, 7, 9-14, 16-22 and 24 above, and further in view of Berstis et al. (US 6,510,458 B1, *filing date* 7/15/1999) ('Berstis').

With respect to claim 25, Dutta in view of Malcolm teaches processing a web page using a filter.

Dutta in view of Malcolm does not teach performing sequential filtering of said web page using a plurality of filters of said filter.

Berstis teaches blocking saves to web browser cache based on content rating (see abstract), in which he teaches performing sequential filtering of said web page

(steps 1206 and 1208 in Figure 12, column 20 lines 38-39) using a plurality of filters of said filter (column 18 lines 3-10 and 37-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Dutta by the teaching of Berstis because performing sequential filtering of said web page using a plurality of filters of said filter would enable a browser with the capability of blocking web page information from the browser cache based on predefined user preferences (Berstis, abstract).

Response to Arguments

8. Applicant's arguments filed July 27, 2009 have been fully considered but they are not persuasive. Applicant argues that the cited prior art fails to teach a development tool or receiving a request for a web page from the development tool and performing filtering and analysis based on that request. Examiner disagrees. Dutta teaches a personalized accessibility evaluation provider that may be implemented on a proxy server, as an application on the client device or as a network-resident service implemented by a proxy that resides on a service provider's premises (paragraph 19), and further that when the personalized accessibility evaluation provider is implemented on a client device, it may be a standalone software application, a portion of a web browser application, a plug-in to a web browser application, or the like (paragraph 20). The personalized accessibility evaluation provider is an evaluation tool that evaluates requested content for accessibility to users having special needs (paragraph 6). Dutta teaches that the personalized accessibility evaluation provider may modify web page

content in order to make the web page meet the accessibility requirements (paragraphs 143-145). Thus, the personalized accessibility evaluation provider may be considered a development tool because it is used to develop or manipulate content of a web page.

9. Further, according to Figures 4 and 5, Dutta teaches that a client device sends content requests to the personalized accessibility evaluation provider (paragraph 33 and 133). The personalized accessibility evaluation provider then requests and receives the web page content from content servers (paragraphs 34 and 133-135). Thus, Dutta also teaches receiving a request for a web page from the development tool. Figure 4 clearly shows a content request from the personalized accessibility evaluation provider (element 420) to content provider servers (elements 440-460).

10. Lastly, Dutta teaches that after the content is received, it is processed and evaluated to determine a level of accessibility and for conformance with established accessibility criteria (paragraphs 38 and 135-136). Therefore, Dutta also teaches performing filtering and analysis based on the request. In conclusion, contrary to Applicant's arguments, Dutta does, in fact, teach a development tool or receiving a request for a web page from the development tool and performing filtering and analysis based on that request.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-

Art Unit: 2164

5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M. L./
Examiner, Art Unit 2164
November 17, 2009